

# HOUSE OF REPRESENTATIVES TRUST FUND RE-CREATION STAFF ANALYSIS

**BILL #:** PCB JUAS 13-01 Capital Collateral Regional Counsel Trust Fund

**SPONSOR(S):** Justice Appropriations Subcommittee

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Justice Appropriations Subcommittee	11 Y, 0 N	Lipsky	Jones Darity

## I. SUMMARY

Section 19(f), Article III of the State Constitution requires that all newly created trust funds terminate not more than four years after the initial creation unless re-created. This provision also requires that trust funds be created or re-created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating or re-creating that trust fund. The Capital Collateral Regional Counsel Trust Fund was created in the Justice Administrative Commission effective July 1, 2009, and is scheduled to terminate on July 1, 2013.

This legislation re-creates the Capital Collateral Regional Counsel Trust Fund without modification, effective July 1, 2013, provided that it is enacted by three-fifths of the membership of both houses of the Legislature.

This bill has no fiscal impact.

## II. SUBSTANTIVE ANALYSIS

### A. PRESENT SITUATION:

#### 1. MAJOR STATUTES THAT CONTROL THE TRUST FUND:

Section 19(f), Article III of the State Constitution requires that all newly created trust funds terminate not more than four years after the initial creation unless re-created. This provision also requires that trust funds be created or re-created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating or re-creating that trust fund. The Capital Collateral Regional Counsel Trust Fund was created in the Justice Administrative Commission effective July 1, 2009, by chapter 2009-62, Laws of Florida, in section 27.715, Florida Statutes and is scheduled to terminate on July 1, 2013.

#### 2. BRIEF DESCRIPTION OF THE FUND'S USES OR PURPOSES:

This trust fund is used for the operational expenditures related to the Capital Collateral Regional Counsel.

#### 3. MAJOR SOURCES OF REVENUE FOR THE FUND:

Moneys in the trust fund consist of federal reimbursements for representation of indigent persons in federal court by attorneys of the Capital Collateral Regional Counsel. The Capital Collateral Regional Counsel is required to seek such reimbursements pursuant to s. 27.702(3)(a), F.S.

#### 4. TOTAL PROJECTED RECEIPTS INTO THE FUND AND CURRENT YEAR APPROPRIATIONS FROM THE FUND:

The total projected receipts into this fund for the current year are \$424,438 and current year appropriations from the fund are \$400,000.

### B. EFFECT OF PROPOSED CHANGES:

This legislation re-creates the Capital Collateral Regional Counsel Trust Fund without modification, effective July 1, 2013, and repeals the scheduled termination of the trust fund.

## III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

This legislation has no fiscal impact on state agencies or state funds, on local governments as a whole or on the private sector. It simply re-creates, without modification, an existing state trust fund and continues the current use of the fund.

## IV. COMMENTS

## V. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES